

76-6-206. Criminal trespass.

- (1) As used in this section, "enter" means intrusion of the entire body.
- (2) A person is guilty of criminal trespass if, under circumstances not amounting to burglary as defined in Section 76-6-202, 76-6-203, or 76-6-204 or a violation of Section 76-10-2402 regarding commercial obstruction:
 - (a) the person enters or remains unlawfully on property and:
 - (i) intends to cause annoyance or injury to any person or damage to any property, including the use of graffiti as defined in Section 76-6-107;
 - (ii) intends to commit any crime, other than theft or a felony; or
 - (iii) is reckless as to whether his presence will cause fear for the safety of another;
 - (b) knowing the person's entry or presence is unlawful, the person enters or remains on property as to which notice against entering is given by:
 - (i) personal communication to the actor by the owner or someone with apparent authority to act for the owner;
 - (ii) fencing or other enclosure obviously designed to exclude intruders; or
 - (iii) posting of signs reasonably likely to come to the attention of intruders; or
 - (c) the person enters a condominium unit in violation of Subsection 57-8-7(8).
- (3) (a) A violation of Subsection (2)(a) or (b) is a class B misdemeanor unless it was committed in a dwelling, in which event it is a class A misdemeanor.
 - (b) A violation of Subsection (2)(c) is an infraction.
- (4) It is a defense to prosecution under this section that:
 - (a) the property was open to the public when the actor entered or remained; and
 - (b) the actor's conduct did not substantially interfere with the owner's use of the property.

Amended by Chapter 152, 2013 General Session